

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**IN RE:
SAMUEL CORTEZ**

**CASE NO. 12-32195
(Chapter 7)**

Debtor.

**MOTION FOR TURNOVER OF DOCUMENTS, MOTION TO EXTEND
TIME TO OBJECT TO DISCHARGE AND/OR EXEMPTION ELECTIONS,
AND MOTION FOR SANCTIONS**

Wayne Sigmon, Trustee, by and through the undersigned counsel, respectfully represents:

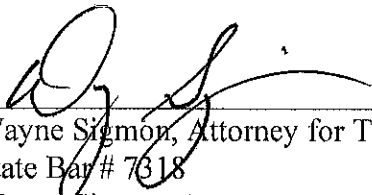
1. The debtor filed a voluntary petition under Chapter 7 of the Bankruptcy Code in this Court on September 11, 2012.
2. On September 28, 2012 this Court entered Order of Dismissal of this case.
3. On December 11, 2012 the debtor filed a Motion to reopen this case.
4. Also on December 11, 2012 the debtor filed a Motion to set aside dismissal of case.
5. On February 4, 2013 this Court entered an Order granting motion to reopen case wherein the §341 Meeting of Creditors was set for February 26, 2013 at the office of Wayne Sigmon, Trustee. The deadline to object to the debtor's exemption election was set for March 28, 2013 and the deadline to object to the debtor's discharge or challenge dischargeability was set for April 29, 2013.
6. At the § Meeting of Creditors the Trustee requested that the debtor turnover to him copies of his filed federal and state income tax returns and all attachments filed with them for the years 2008, 2009, 2010, 2011 and 2012. The Trustee requested that these income tax returns be turned over to him on or before March 15, 2013.
7. As of the date of this Motion, the Trustee has received nothing from the debtor.
8. Pursuant to Local Rule 4002-1(c)(1) the debtor's duties in this district require that the debtor shall comply with any request by the Chapter 7 Trustee for turnover of property or production of documents within 14 days of the request.
9. The debtor has not complied with the above stated Local Rule.

10. The Trustee would request that an order be entered directing the debtor to immediately turnover to the Trustee copies of his federal and state income tax returns and all attachments thereto for the years 2008, 2009, 2010, 2011 and 2012.
11. The Trustee has expended attorneys time in administering this case and preparing this Motion and Notice of Hearing as well as attending the hearing to be scheduled concerning this matter. The Trustee would request that the debtor be required to pay to the Trustee the Trustee's reasonable costs and expenses incurred herein including all attorneys fees related hereto.

WHEREFORE, the Trustee respectfully prays the Court as follows:

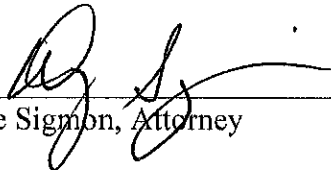
1. That an order be entered directing the debtor to immediately turnover to the Trustee copies of his federal and state income tax returns and all attachments thereto for the years 2008, 2009, 2010, 2011 and 2012; and
2. That the time period for the Trustee to object to discharge and/or exemption elections be extended for at least 60 days from and after the hearing set hereon or 60 days from and after the turnover of the documents requested, whichever is later; and
3. That the Trustee have and recover from the debtor as sanctions reasonable costs and expenses incurred herein including all attorneys fees; and
4. For such other and further relief as is just and proper.

Dated: 3-25-13


Wayne Sigmon, Attorney for Trustee
State Bar # 7318
Wayne Sigmon Attorney at Law PLLC
518 South New Hope Road
Gastonia, North Carolina 28054
(704) 865-6265

CERTIFICATE OF SERVICE

The undersigned certifies that the pleading or paper to which this Certificate is affixed was served upon the other party(s) to this action by hand delivery or by depositing a copy of same, enclosed in a first-class postpaid wrapper properly addressed to the attorney(s) of record for such other party(s), in a post office or official depository under the exclusive care and custody of the United States Postal Service this the 25 day of March, 2013.


Wayne Sigmon, Attorney

VIA ECF:

Linda Simpson
Bankruptcy Administrator

Jeffrey Dalrymple
Attorney for the Debtor

Via First Class Mail:

Samuel A. Cortez
9815 Adagio Court
Matthews, NC 28105

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**IN RE:
SAMUEL CORTEZ**

**CASE NO. 12-32195
(Chapter 7)**

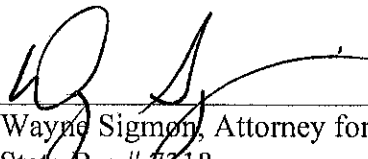
Debtor.

**NOTICE OF TRUSTEE'S MOTION FOR TURNOVER OF DOCUMENTS, MOTION
TO EXTEND TIME TO OBJECT TO DISCHARGE AND/OR EXEMPTION
ELECTIONS, AND MOTION FOR SANCTIONS AND NOTICE OF HEARING**

TAKE NOTICE that the Trustee herein has filed a Motion for Turnover of Documents, Motion to Extend Time to Object to Discharge and/or Exemption Elections, and Motion for Sanctions, a copy of which accompanies this Notice.

TAKE NOTICE FURTHER that a hearing will be held in the United States Bankruptcy Court for the Western District of North Carolina, Charlotte Division, Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, North Carolina on April 25, 2013 at 9:30 o'clock a.m. at which time the court will hear the subject Motions. All interested parties should be present in the Bankruptcy Court at said date and time.

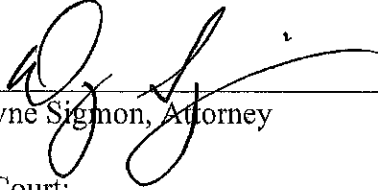
Dated 3-25-13



Wayne Sigmon, Attorney for the Trustee
State Bar # 6318
Wayne Sigmon Attorney at Law PLLC
518 South New Hope Road
Gastonia, North Carolina 28051
(704) 865-6265

CERTIFICATE OF SERVICE

The undersigned certifies that the pleading or paper to which this Certificate is affixed was served upon the other parties to this action by depositing a copy of same, enclosed in a first-class postage paid envelope, properly addressed to the parties shown below, in a post office or official depository under the exclusive care and custody of the United States Postal Service this the 25 day of March, 20 13.


Wayne Sigmon, Attorney

Via electronic notification from the Bankruptcy Court:

Linda Simpson
Bankruptcy Administrator

Jeffrey Dalrymple
Attorney for the Debtor

Via First Class Mail:

Samuel A. Cortez
9815 Adagio Court
Matthews, NC 28105